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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,557	04/18/2006	George Kevin Emes	2847-68436-03	3891
24197	7590	05/28/2009	EXAMINER	
KLARQUIST SPARKMAN, LLP			MAUST, TIMOTHY LEWIS	
121 SW SALMON STREET				
SUITE 1600			ART UNIT	PAPER NUMBER
PORLTAND, OR 97204			3751	
			MAIL DATE	DELIVERY MODE
			05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,557	EMES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy L. Maust	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 27-53 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 27-40 and 53 is/are rejected.  
 7) Claim(s) 41-52 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/06, 12/06</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Specification***

The abstract of the disclosure is objected to because the superfluous language "The present invention is" should be deleted. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

**The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.** It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27- are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 27, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-31 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Sizemore (5341957).

Regarding claim 27, the Sizemore reference discloses a currency operated liquid dispensing machine (10) for liquid retained in a plurality of removable and replaceable containers (26) such as carboys or bags, said liquid dispensing machine comprising; a cabinet (12 and 14); a suitably selected holder (defined by racks 14a) housed in the cabinet, for releasably retaining the plurality of containers (26); a furcated passage comprising a main passage (28), an open end to define an outlet (defined at the end of nozzle 30) and a plurality of branches, each terminating in an inlet, said furcated passage to permit fluid communication between the plurality of containers (26) and said outlet,

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said outlet being in communication with the ambient atmosphere, said outlet located to permit feeding of the liquid from the containers to said outlet,

a plurality of terminally located liquid dispensing systems (defined by changeover valves 32) for releasably coupling said inlet to a container to permit the flow of liquid;

a dispensing valve (30) to stop and start the flow of liquid;

a controller (inherent to the system and defined by selection buttons 22, which operate electrical solenoid valves) to determine the flow of liquid through said furcated passage and to selectively actuate said dispensing valve; and

a currency acceptor (20) and processor for communication with said controller, wherein liquid is dispensed from said currency operated liquid dispensing machine in a metered volume in response to input of a selected value of currency.

Regarding claim 28, see pump (40) in the Figures.

Regarding claim 29, Sizemore discloses that while a vacuum pressure regulator is preferred for flow restricting, other types could be used, such as an electrically operated solenoid.

Regarding claim 30, main branch (28) defines a manifold by virtue of multiple branches (unlabeled) feeding into the main branch at valve 32.

Regarding claim 31, a gas exchanger is defined by a vent valve (44).

Regarding claim 53, the system is capable of gravity feed to the outlet.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sizemore in view of Baker et al. (5222531).

Regarding claims 32-35, the Sizemore reference discloses the invention substantially as claimed (discussed supra), including a flow monitor (defined by pressure regulator 50). Sizemore fails to disclose a filter unit and penetrating coupler similar to those found in water dispensing systems that use carboys. The Baker et al. reference discloses another dispensing machine using well known water bottles having a filter unit (30) and a penetrating coupler (45) to filter the air exchange and couple the bottle to the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sizemore system to accept water bottles that require filter units and penetrating couplers as, for example, taught by Baker et al. as well known alternative supply reservoirs.

Regarding claims 36 and 37, the flow monitor (50) of the Sizemore system is not located integral with the pump or parallel to the main passage. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the flow monitor integral with the pump or parallel with the main passage, since

it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Regarding claims 38-40, the Examiner takes Official Notice that is well known for systems to have controllers with timers and electronic communication between the controller and the rest of the system is implied, otherwise, the system would fail to operate properly.

### ***Allowable Subject Matter***

Claims 41-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record pertains to currency operated dispensing systems, similar to Applicant's device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 7:00-5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/  
Primary Examiner  
Art Unit 3751

5/19/09